

PLAINTIFFS' OCTOBER 28, 2008 DESIGNATION OF DEPOSITION TESTIMONY OF JEFFREY CROOT

(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)

Deposition October 4, 2005

| Page/Line Cite | Defendants' Objections and Counter-Designations | Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations | Defendants' Cross-Examination Designations | Plaintiffs' Objections and Counter-Designations | Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations |
|----------------------------------|---|---|--|---|--|
| 5:2-6 (actual oath) | | | | | |
| 8:9-24 | | | | | |
| 69:1-5; 69:8-11; 69:13-17; 69:19 | Testimony concerning the military directing or commandeering helicopters relates solely to Opia/Ikenyan . There were never allegations of commandeering at Parabe . It is irrelevant, unfairly prejudicial and should be excluded pursuant to the Court's <i>in limine</i> ruling on Opia/Ikenyan evidence. Dkt. # 2001; FRE 401- | In their Parabe media campaign, defendants repeatedly state they were "directed to" take the GSF to Parabe May 28th and had "no choice but to comply." This testimony therefore is relevant to Plaintiffs' ratification claims. | | | |

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| | 403. | | | | |
| 110:22-25; 111:3-5; 111:18-19 | FRE 401-403, 407. Irrelevant, prejudicial, subsequent remedial measures are not admissible. | Not offered to show subsequent measures; to the contrary, to establish that before Sept. '99 there were no written guidelines regarding carrying loaded weapons in helicopters. | 111:6-17 (completeness) | Improper designation; picks up in middle of answer. No objection if start at 111:6. | |